



Commons Board Meeting Minutes April 10th, 2013

The Commons Board met on Wednesday, April 10th, 2013 at 11:30 a.m. (EST) in the Xenia S. Miller Room at The Commons. Board Members present: Sherry Stark, Ryan Brand, Paige Harden, George Dutro, Sharon Beach, Tracy Souza

Others present: Jamie Brinegar, John Clark, Jillian Keller, Steve Risting, Ben Wagner, Lisa Westenberger and Kelly Benjamin

Board President Sherry Stark called the meeting to order and requested approval of the minutes from March 13th, 2013. Minutes approved by consensus.

New Board member Sharon Beach was welcomed to the Board.

Sherry announced that City Attorney Kelly Benjamin will be leaving her current position. Those present thanked Kelly for her outstanding efforts on behalf of the City and The Commons.

Kelly updated that she had been in contact with Harry Todd regarding the easement. She will forward information as soon as changes are incorporated.

Kelly gave an update on the status of Detour vacating the restaurant space and stated Stan Gamso with CRC will handle the notification of violation of the lease. It was Kelly's understanding that the letter of default had been sent. A walk through of the space is scheduled for Thursday, April 11th to determine damages. These damages will be added into the termination of the lease notice. Kelly's hope was that each party will be released of any liability so the City may move on to requesting proposals for future tenants. Stan Gamso intends to take the paperwork to the CRC meeting on Monday, April 15th, 2013. The CRC Board is interested in obtaining information on what type of establishment to look for to fill the space and requested a Commons Board member be present. George Dutro volunteered to attend the meeting. The Board reiterated that its goal includes a family friendly restaurant but Board members are open to hearing additional ideas from the community.

Kelly mentioned that Stan Gamso also requested the Board consider hiring a professional who can give guidance in regards to the best use of the vacant space. Sherry stated that whereas information is always helpful, it may slow down the new tenant process. The Board felt that research, studies and available information from the original construction and current activity would suffice. The Board agreed that the proposals received would be considered based on established priorities. If respondents did not match those priorities, new research would be considered.

Sharon Beach stated that Arts and Cultural District passed along an idea of a shared ownership for the space. The idea included a coffee house that hosted live entertainment and incorporated local products such as wine and chocolate. The space and seating would be open to the public. The retail portion would be a private enterprise and support the revenue. Sherry's concern was that a similar concept in the Commons before reconstruction did not generate enough revenue to be successful. The Board is willing to consider such proposals in response to the RFP. The Board also suggested that the RFP offers latitude for ideas outside of the priorities stated.

Kelly stated that the Mayor has requested all Boards and Committees move their meetings to the City Council Chambers. This will allow the meetings to be streamed online, making the meetings more accessible to the public. Jillian will check the schedule of the City Council Chambers to schedule future Board meeting.

Steve Risting updated the Board on the architectural report. He stated he is expediting the process for securing the sun control equipment. He is currently working on scheduling the work. Estimation of completion is August 1st. This allows for eight weeks for shop drawings, two weeks of review, six weeks to obtain materials, and two weeks for installation.

Sherry reported that \$143,000 has been confirmed and granted from the Heritage Fund Board to the Parks Foundation for The Commons' sun control project. Board members expressed appreciation to Heritage Fund for this grant.

Steve reported he has obtained specs for the former Scotty's retail space and has submitted them to Heather Pope of the Redevelopment department. The Parks department will review them for separation of mechanical systems, available amenities, prior concerns, etc.

Steve also stated the Cummins office building is still on schedule for total occupancy on June 1st. The second floor exterior patio door is being finished. The food court entrance door has been installed but is waiting on security. The loading dock still needs occupancy approval to move from a construction zone. Steve also reported that Jackson St. should be open by April 19th in time for 4th St. Grand Opening.

Sherry updated the Board on the Capital Improvements priority list. She asked for a request for action on installing additional safety bollards at the corner of 3rd St. and Washington Street and enhancing the lower level sound system. Steve stated that the contingency in the proposal should be applied to the sound system. Outdoor furniture will wait until the new means of egress is assessed. As stated, the sun control has already been approved. Ryan Brand moved for the authorization for a request to the Heritage Fund Commons fund for funding for the additional bollards at the Dunlap proposal price of \$25,500 and the lobby sound system not exceeding \$20,000. Paige Harden seconded. Tracy Souza said she would be abstaining from the vote due to a conflict of interest. George Dutro suggested requesting an even \$50,000 to avoid Heritage Fund's having to approve contingencies. Paige Harden moved to amend the original motion to firm the requested amount of money after further research. Sharon Beach seconded. The Board voted to amend the motion with Tracy abstaining. The amended motion passed to request funding from Heritage Fund for the bollards and lobby sound system after firm numbers are obtained. Tracy Souza abstained again.

Lisa updated on The Commons Report. She stated that \$590 has been used towards the Rental Assistance program. The revenue is currently at \$90,000 for 2013. Lisa also noted due to spring break, the last month's traffic had increased greatly.

Lisa reported in Karen Shrode's absence for the Columbus Area Arts Council. She stated First Fridays for Families' recent Dancer's Studio Mixed-up Fairy Tale Ballet had an attendance of 500 people. The Arts Council's Annual meeting is April 25th in the Performance Hall. Anita Lauricella will speak at the meeting about fostering connections between the community and the arts. She was instrumental in developing Boston's largest artist live-work space. The program begins at 5:00 pm.

Jamie Brinegar presented two additional appropriations to the Board. The first appropriation is for funds in the miscellaneous services line, line 399. The original budgeted amount was \$32,500. The city hired legal counsel for the Scotty's/Detour legal needs. The current invoice for the legal counsel is \$26,500. Kelly Benjamin and Stan Gamso have asked the attorneys to stop further work due to recent developments. Jamie is asking for an additional \$30,000 in case there is additional work to cover the legal expenses. He stated there are sufficient reserve funds in The Commons' budget to cover the additional appropriation. Park Board will take action on the appropriation on April 11th and City Council will receive the request in May. The final vote will be in June. The resolution states the Board has the authority to appropriate the funds. Kelly stated additional funding for outside council may not be needed with the new tenant. This appropriation was specifically in regards to preparing for strategy and litigation. Sherry requested a motion to authorize her to sign the resolution.

Jamie clarified that the appropriation is not from The Commons' capital funds because at the end of 2012, The Commons' money was all pooled into one fund. The Commons budget was in the Parks non-reverting fund which was creating a lot of issues to keep funds balanced and separate. The Clerk Treasurer has set up one fund that is The Commons fund. The Commons has an operating fund they work out of and the capital non-reverting fund is a part of that as well. At the request of the Board, Jamie will work with the Clerk Treasurer's office to restrict use of the capital funds portion for intended capital purposes only.

Sherry requested a motion for authorization of her signature for the appropriation of funds for an additional \$30,000. George moved approval after requesting that funds are redrawn with capital funding restricted. Tracy Souza seconded, and the motion passed.

Jamie stated the second appropriation was due to the change in law for payment of Public Employees Retirement Fund (PERF). In 2012, five PERF payments were made. The last pay period of 2012 was after the last claims period; therefore it could not be encumbered. The additional appropriation for \$5,166.75 is needed for the PERF payment. George Dutro moved for authorization for Sherry to sign the additional appropriation request. Ryan Brand seconded, and the motion passed.

Jamie stated that revenue will receive the first EDIT payment from the city in April or May. Rental revenue at The Commons is currently at 35% for the year. As far as expenditures, supplies are high because they are bought in bulk at the beginning of the year. In the 300 line, the services and charges are still high because the usage is still trying to be estimated. Jamie anticipates having enough revenue to cover the expenses. The expense budget is currently at 22%.

Jamie and Lisa stated they will not be running the building's chillers 24/7 since the Detour space no longer needs it. This will significantly cut down on utility costs.

May's Board meeting will be moved to May 15th at 11:30 am due to Race to Play requiring attendance from a large portion of the Parks and Recreation department. Jillian will notify the Board and submit an official notice to the paper for a change of location and date.

Meeting adjourned.

Acting Secretary, Jillian Keller